

(S) 11-10-08

STATE OF WISCONSIN

CIRCUIT COURT

ROCK COUNTY

DEBORAH KNOPE

DANIEL KNOPE

3124 W. Rockport Road

Janesville, WI 53548

Plaintiffs,

and

LEAR CORPORATION,

a foreign corporation,

21557 Telegraph Road

Southfield, MI 48086,

Involuntary Subrogated Plaintiff,

vs.

SUMMONS

FORI AUTOMATION, INC.,

a foreign corporation,

50955 Wing Drive

Shelby Twp., MI 48315,

Defendant.

Case No.: 08 CV 2135

Personal Injury Other: 30107

CLERK OF CIRCUIT COURT  
2008 NOV -4 PM 4:10  
ROCK COUNTY, WI.  
FILED

THE STATE OF WISCONSIN

To each person named above as defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the Statutes. The answer must be sent or delivered to the Court, whose address is:

Clerk of Circuit Court  
Rock County Circuit Court  
51 S. Main Street  
Janesville, WI 53545

TRIAL JUDGE  
JAMES E. WELKER

and to James A. Carney, Plaintiffs' attorney, whose address is:

Carney, Davies & Thorpe, LLC  
2620 N. Pontiac Drive  
P.O. Box 2980  
Janesville, Wisconsin 53547-2980

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EXHIBIT A

You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require the assistance of auxiliary aids or services because of a disability call 743-2200 and ask for the court ADA coordinator.

Dated this 4 day of November 2008.

By: 

James A. Carney  
State Bar No. 1018714

CARNEY, DAVIES & THORPE, LLC  
2620 N. Pontiac Drive  
P.O. Box 2980  
Janesville, WI 53547-2980  
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FAX: (608) 755-1900

Attorneys for Plaintiffs

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STATE OF WISCONSIN

CIRCUIT COURT

ROCK COUNTY

DEBORAH KNOPE  
DANIEL KNOPE  
3124 W. Rockport Road  
Janesville, WI 53548

Plaintiffs,

and

LEAR CORPORATION,  
a foreign corporation,  
21557 Telegraph Road  
Southfield, MI 48086,

Involuntary Subrogated Plaintiff,

COMPLAINT

vs.

FORI AUTOMATION, INC.,  
a foreign corporation,  
50955 Wing Drive  
Shelby Twp., MI 48315,  
Defendant.

Case No.: 08 CV 2135  
Personal Injury Other: 30107

ROCK COUNTY, WI.  
FILED

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CLERK OF CIRCUIT COURT

Plaintiffs Deborah Knopes and Daniel Knopes by their attorneys, Carney, Davie & Thorpe, LLC, by Attorney James A. Carney, allege:

1. Plaintiffs Deborah Knopes and Daniel Knopes are husband and wife who reside at 3124 W. Rockport Road, Janesville, Rock County, Wisconsin 53548.
2. Upon information and belief, Involuntary Subrogated Plaintiff, Lear Corporation is a foreign corporation, with its principal offices of business located at 21557 Telegraph Road Southfield, MI 48086. Lear Corporation is licensed in the State of Wisconsin and has a current Wisconsin registered agent, namely, CT Corporation System, 8040 Excelsior Drive, Ste. 200, Madison, Wisconsin 53717. Upon information and belief, Lear Corporation was the self-insured employer of Deborah Knopes at the time of the incident which gives rise to this matter and has made and may make in the future medical expense and disability payments on her behalf under the Worker's Compensation Act. Upon information and belief, Lear Corporation may possess a lien

Exhibit A

right in this action pursuant to Wis. Stats., § 102.29 and is a proper party pursuant to Wis. Stats. § 103.03.

3. Upon information and belief, Defendant Fori Automation, Inc., (hereinafter "Fori"), a foreign corporation with its primary offices located at 50955 Wing Drive, Shelby, MI 48315, is in the business of marketing, designing, integrating, manufacturing and/or installing production-line machinery for use in industrial manufacturing facilities including, but not limited to, Lear Corporation, 3708 Enterprise Drive, Janesville, Rock County, Wisconsin 53546.

4. On October 25, 2007, at the time of the incident which is the subject of this claim, Plaintiff Deborah Knopes was an employee of Lear Corporation and was working in the course of her employment.

5. Upon information and belief, Defendant Fori marketed, designed, integrated, manufactured and/or installed equipment and machinery which comprised the production line at Lear Corporation.

6. In the regular course of her employment, Plaintiff Deborah Knopes was an ordinary user of said equipment and machinery.

7. While working on Lear Corporation's line comprised of equipment, which was, upon information and belief, marketed, designed, integrated, manufactured and/or installed by Defendant Fori, Plaintiff Deborah Knopes sustained severe permanent injuries to her face, neck and spinal cord resulting in past and future pain and suffering, past and future medical expense, lost wages and loss of earning capacity. The injuries have caused and will continue to cause pain, suffering, disability, and a reduced ability to enjoy life.

8. As a direct result of the injuries to his wife, Deborah, Daniel Knopes has sustained a loss of his wife's services in the household as well as a loss of her society and companionship, and a loss of the pleasure of sharing the enjoyments of life, all to his damage.

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**FIRST CAUSE OF ACTION - STRICT LIABILITY - FORI AUTOMATION, INC.**

9. Reallege and incorporate herein paragraphs 1 through 8 above.
10. In the course of her employment, Plaintiff Deborah Knopes was exposed to and worked with unreasonably dangerous and defective machinery which was, upon information and belief, marketed, designed, integrated, manufactured and/or installed by Defendant Fori.
11. On October 25, 2007, while working for Lear Corporation, Plaintiff Deborah Knopes sustained severe injuries to her neck, face and spinal cord while working on a line consisting of equipment marketed, designed, integrated, manufactured and/or installed by Fori in its intended manner, pursuant to the normal practice of the employees at Lear Corporation and in a reasonably foreseeable manner.
12. Upon information and belief, the machinery which caused injury to Plaintiff Deborah Knopes was unreasonably dangerous to the ordinary user and defectively designed, manufactured, integrated and/or installed.
13. As a result of said unreasonable danger and defect(s), Plaintiff Deborah Knopes sustained severe permanent injuries to her face, neck and spinal cord resulting in past and future pain and suffering, past and future medical expense, lost wages and loss of earning capacity. The injuries have caused and will continue to cause pain, suffering, disability, and a reduced ability to enjoy life.
14. As a direct result of the injuries to his wife, Deborah, Daniel Knopes has sustained a loss of his wife's services in the household as well as a loss of her society and companionship and a loss of the pleasure of sharing the enjoyments of life, all to his damage.

**SECOND CAUSE OF ACTION - NEGLIGENCE - FORI AUTOMATION, INC.**

15. Reallege and affirm paragraphs 1 through 14 above.

16. Upon information and belief, at all times relevant to this action Defendant Fori was negligent including, but not limited to, the following: its marketing, manufacturing, instructions for use, distribution and/or installation of the aforementioned machinery, and with the respect to its failure to provide adequate safety devices and warnings and other reasons.

17. As a result of the negligence of Defendant Fori, Plaintiff Deborah Knopes sustained severe permanent injuries to her face, neck and spinal cord, resulting in past and future pain and suffering, past and future medical expense, lost wages and loss of earning capacity. The injuries have caused and will continue to cause pain, suffering, disability, and a reduced ability to enjoy life.

18. As a direct result of the injuries to his wife, Deborah, Plaintiff Daniel Knopes has sustained a loss of his wife's services in the household as well as a loss of her society and companionship and a loss of the pleasure of sharing the enjoyments of life, all to his damage.

WHEREFORE, Plaintiffs demands judgment against Defendant for damages in an amount to be determined by the Court, their costs and disbursements; a determination of lien held by Subrogated Plaintiff, and such other and further relief as may be just and equitable.

DATED this 4 day of November, 2008.

By: 

James A. Carney  
State Bar No. 1018714

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2620 N. Pontiac Drive  
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